

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) 4:05CR3005  
                                  )  
                                  )  
Plaintiff,                   )  
                                  )  
                                  )  
vs.                            ) **MEMORANDUM**  
                                  ) **AND ORDER**  
THEOPHILIES ANTONIO HARVEY, )  
                                  )  
                                  )  
Defendant.                   )

Pending before me is a report and recommendation from a magistrate judge that recommends that I accept the defendant's plea of guilty. There is no objection to the report and recommendation. After careful consideration and de novo review,

IT IS ORDERED that:

1. The report and recommendation (filing 28) is accepted.
2. The defendant is found guilty. The plea is accepted. The court decides that the plea of guilty is knowing, intelligent, voluntary, and that there is a factual basis for the plea.
3. If there is a plea agreement, I defer acceptance of the plea agreement until the time of sentencing pursuant to Rule 11(c)(3). Unless otherwise stated at the time of sentencing, the plea agreement will be deemed accepted upon the pronouncement of the judgment and sentence.
4. This case shall proceed to sentencing.

August 18, 2005.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge